



March 1, 2023

Via Federal Express Delivery

The Honorable Sean D. Jordan
United States District Judge
United States Courthouse, Suite 111
7940 Preston Road
Plano, TX 75024

**Re: *In re Google Digital Advertising*, No. 4:20-cv-957-SDJ (MDL 3010);
(Pending Motion to Remand);**

Dear Judge Jordan:

We write on behalf of the State Plaintiffs regarding the *Texas v. Google*, ad tech case filed in Your Honor's Court on December 16, 2020, and ultimately transferred and centralized in an MDL (MDL No. 3010) on August 10, 2021.

We write to inform you of recent developments that may affect your docket.

Prior to the time that the JPML centralized the State Plaintiffs' case in MDL 3010, bipartisan legislation was pending that would remove state antitrust enforcement actions from the MDL process. On December 29, 2022, President Biden signed into law an omnibus spending bill, which included the State Antitrust Enforcement Venue Act of 2021 (the "Venue Act")¹. The Venue Act unambiguously removes state antitrust enforcement actions from the ambit of the Multidistrict Litigation Act. The State Plaintiffs believe that the Venue Act retroactively divests (1) the United States District Court for the Southern District of New York (the transferee court) of the authority to oversee the State Plaintiffs' action, and (2) the Panel of the authority under the Multidistrict Litigation Act to centralize the States' case in an MDL.

Accordingly, on Monday, February 26th, the State Plaintiffs filed a Motion to Remand with the Panel based on the Venue Act. The Texas Attorney General seeks to fulfill his obligation to Texas taxpayers to litigate this case in its original forum—

¹ See Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, Div. gg, Title III, § 301, 136 Stat. 4459, 5970 (2022).

Your Honor's Court. The other states seek to have their cases heard in the forum of their choice as well (also your Court).

Respectfully submitted,

/s/ W. Mark Lanier

W. Mark Lanier
Mark.Lanier@LanierLawFirm.com
Alex J. Brown
Alex.Brown@LanierLawFirm.com
Zeke DeRose III
Zeke.DeRose@LanierLawFirm.com
10940 W. Sam Houston Pkwy N
Suite 100
Houston, TX 77064
(212) 421-2800
THE LANIER LAW FIRM, PLLC

/s/ Ashley Keller

Ashley Keller
ack@kellerpostman.com
Brooke Clason Smith
brooke.smith@kellerpostman.com
Jason A. Zweig
jaz@kellerpostman.com
150 N. Riverside Plaza, Suite 4270
Chicago, Illinois 60606
(312) 741-5220

Zina Bash
zina.bash@kellerpostman.com 111
Congress Avenue, Suite 500
Austin, TX 78701
(512) 690-0990
KELLER POSTMAN LLC

Counsel for Texas, Idaho, Louisiana (The Lanier Law Firm only), Mississippi, North Dakota, South Carolina, and South Dakota

Submitted on behalf of all Plaintiff States